

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PAUL S. WATERMAN

Junior party<sup>1</sup>

v.

JEAN-LUC BIRBAUM, JEAN RODY, MARIO SLONGO,  
ANDREAS VALET and ROLAND A. E. WINTER

Senior Party<sup>2</sup>

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Interference Patent No. 104,282

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Before URYNOWICZ, DOWNEY and ELLIS, Administrative Patent Judges.

DOWNEY, Administrative Patent Judge.

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<sup>1</sup> Patentee Application 08/481,110, filed June 7, 1995, now Patent No. 5,760,228 issued June 2, 1996. Accorded benefit Application 07/605,199, filed October 29, 1990, abandoned; and Application 08/198,238, filed February 18, 1994, now Patent No. 5,461,151, issued October 24, 1995. Assignee for Cytechnology Corp.

<sup>2</sup> Application 08/591,419, filed January 19, 1996. Accorded benefit Application 08/143,525, filed October 26, 1993; Application 07/978,064, filed November 18, 1992; 07/611,207, filed November 13, 1990; and Application 07/446,369, filed December 5, 1989, all abandoned.

JUDGMENT PURSUANT TO 37 CFR § 1.662(a)

On December 7, 1999, Waterman, the junior party, filed an abandonment of the contest (Paper No. 43), which pursuant to 37 CFR § 1.662(a) is treated as a request for entry of an adverse judgment as to all the claims which correspond to the count in this interference.

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to Jean-Luc Birbaum, Jean Rody, Mario Slongo, Andreas Valet and Roland A.E. Winter, the senior party, and awarded against Paul S. Waterman, junior party. Accordingly, on this record, Waterman, the junior party, is not entitled to his patent containing claims 1-16 corresponding to the count and Birbaum et al. is entitled to a patent containing claims 35-37 corresponding to the count.

STANLEY M. URYNOWICZ, JR.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
MARY F. DOWNEY	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JOAN ELLIS	)	

Interference No. 104,282

Administrative Patent Judge )

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